

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

ELSEBETH BAUMGARTNER,	)	CASE NO. 1:05 CV 1062
	)	
Plaintiff,	)	JUDGE PATRICIA A. GAUGHAN
	)	
v.	)	
	)	<u>ORDER OF DISMISSAL</u>
SANDUSKY NEWSPAPERS, INC., et al.,	)	
	)	
Defendants.	)	

This action was filed by Elsebeth M. Baumgartner on April 26, 2005.<sup>1</sup> For the reasons stated below, this case is dismissed.

Judge Christopher A. Boyko's Memorandum of Opinion and Order in Case No. 3:04 CV 7738, dated February 22, 2005, recounts plaintiff Elsebeth Baumgartner's extensive history of vexatious litigation in this and other courts. The order enjoined Baumgartner from filing further actions without leave of court, and set forth specific requirements for seeking and obtaining such leave.

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Although the complaint also purports to be filed on behalf of Joseph Baumgartner, he did not sign the complaint and there is not indication of his consent to this action.

Plaintiff has obviously not complied with the aforesaid requirements prior to filing this action. Accordingly, as this action was filed in error, it is dismissed. The court certifies that an appeal from this decision could not be taken in good faith.<sup>2</sup>

IT IS SO ORDERED.

/s/ Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
UNITED STATES DISTRICT JUDGE

Dated: 5/4/05

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<sup>2</sup> 28 U.S.C. § 1915(a)(3) provides, in pertinent part:

An appeal may not be taken in forma pauperis if the trial court certifies that it is not taken in good faith.